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ABORIGINAL PEOPLES AND CANADIAN LAW

LAW 370H1S

WINTER TERM, 2016

VOLUME ONE

Kerry Wilkins

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8	John Borrows, "With or Without You: First Nations Law (in Canada)" (1996) 41 McGill L.J. 629, 646-665 (notes omitted)
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20	Articles Between Colonel Cartwright and the New York Indians, 24 September 1664 ("Treaty of Albany"), in E.B. O'Callaghan, ed., Documents Relative to the Colonial History of the State of New York (Albany: Weed, Parsons, 1853-61), vol. 3 at 67-68
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